

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America

v.

Nickie McCaskill

Date of Original Judgment: December 1, 2008

Date of Last Amended Judgment: _____

)

) Case No: 0419 3:08CR00015

) USM No: 22539-058

) Pro se

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of **is reduced to** _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level: 27

Criminal History Category: III

Original Guideline Range: 120 months

Amended Offense Level: 23

Criminal History Category: III

Amended Guideline Range: 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.
- ☐ Amendment 782 is subject to a Special Instruction at USSG §1B1.10(e)(1) that reduced sentences shall not take effect until November 1, 2015, or later. Since this defendant's projected GCT release date is, Amendment 782 is not applicable in this case.
- ☐ The Reduced sentence is based upon Amendment ☐ 750 ☐ 782
- ☒ Other (explain): The defendant is subject to the mandatory minimum sentence of 120 months as no motions for a reduction pursuant to 18 U.S.C. § 3553(e) or Rule 35 were filed in this case.

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Office prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Resident Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Office.

Except as provided above, all provisions of the judgment dated December 1, 2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: November 21, 2014

Signed: November 24, 2014

Effective Date:
(if different from order date)



Robert J. Conrad, Jr.
United States District Judge

